| 1  | MONA C. SOO HOO   |  |                    |  |
|----|---|--|--------------------|--|
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| 6  | Attorney for Defendant NAGATOSHI MORIMOTO   |  |                    |  |
| 7  | UNITED STATES DISTRICT COURT  |  |                    |  |
| 8  | NORTHERN DISTRICT OF CALIFORNIA   |  |                    |  |
| 9  | NORTHERN DISTRICT OF CALIFORNIA   |  |                    |  |
| 10 | UNITED STATES OF AMERICA,   | No. CR 05-00496-SI<br>[No. 3-05-70216-JCS]   |                    |  |
| 11 | Plaintiff,  | -  | D EOD EINIAI       |  |
| 12 | v. )  | <ul> <li>STIPULATION FOR ORDER FOR FINAL</li> <li>CONTINUANCE OF INITIAL APPEARANCE</li> <li>IN NORTHERN DISTRICT OF CALIFORNIA</li> </ul> | AL APPEARANCE      |  |
| 13 | NAGATOSHI MORIMOTO,   | FOR MODIFICATION OF ORELEASE; ORDER  |                    |  |
| 14 | Defendant. )  | Current hearing date:  | 8/15/05, 9:30 A.M. |  |
| 15 | ))  | Proposed hearing date:   | 8/26/05, 9:30 A.M. |  |
| 16 | Plaintiff United States of America, by and through its counsel of record, Assistant United States Attorney Stacey P. Geis, and defendant Nagatoshi Morimoto, by and through his counsel of record, Mona C. Soo Hoo, hereby stipulate as follows:  1. This matter arises from the arrest of the defendant in the Central District of California, pursuant to an out-of-district complaint and associated warrant for arrest issued by United States Magistrate Judge Joseph C. Spero of the United States District Court for the Northern District of California, in the instant case, <i>United States of America v. Nagatoshi Morimoto;</i> Case No. 3-05-70216-JCS. |  |                    |  |
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| 24 | 2. On April 11, 2005, Mr. Morimoto made   | 2. On April 11, 2005, Mr. Morimoto made his initial appearance before the United States  |                    |  |
| 25 | District Court for the Central District of California, Chief Magistrate Judge, the Honorable Robert N.  |  |                    |  |
| 26 | Block presiding. The court set bail by giving the defendant the option of posting a one hundred   |  |                    |  |
| 27 | thousand dollar (\$100,000.00) collateral bond on his own signature; or, in the alternative, an   |  |                    |  |
| 28 | appearance bond in the same amount, fully justified with an affidavit of sureties. Mr. Morimoto was   |  |                    |  |
|    | ordered released upon signing the bond, and, he wa  | as given until April 25, 2005 to   | meet other stated  |  |

8. On July 20, 2005, United States Magistrate Judge Nandor Vadas entered an order, pursuant

conditions of release and to post the bond.

- 3. With the assistance of a Japanese language interpreter, Mr. Morimoto was fully advised of and discussed with his attorney, Mona C. Soo Hoo, his right to arrival of process, to a removal proceeding, and, to a preliminary hearing pursuant to Rule 5(c)(3) of the Federal Rules of Criminal Procedure. Those rights were waived in writing and on the record in open court on April 11, 2005. The court ordered Mr. Morimoto to appear at the Clerk's Office of the United States District Court for the Northern District of California on or before 9:00 a.m. on May 9, 2005, or, on such other date and time by agreement with the prosecutor, Assistant United States Attorney Stacey Geis, counsel for the plaintiff, United States of America.
- 4. Mr. Morimoto was released from custody on April 12, 2005, and the collateral bond was posted, approved, and filed on April 21, 2005, all conditions having been satisfied. The bond was ordered transferred to the Northern District of California, at San Francisco. During the pendency of this case, Mr. Morimoto has resided in the Central District of California, at Fillmore, California. His pretrial supervision and reporting is to United States Pretrial Services Officer Sam Hernandez (213.894.3690) of the United States District Court for the Central District of California.
- 5. On May 3, 2005, United States Magistrate Judge Elizabeth D. Laporte entered an order, pursuant to the stipulation of the parties, and continued the defendant's initial appearance before the United States District Court for the Northern District of California from May 9, 2005 to June 9, 2005, at 9:00 a.m.
- 6. On May 23, 2005, United States Magistrate Judge Elizabeth D. Laporte entered an order, pursuant to the stipulation of the parties, and continued the defendant's initial appearance before the United States District Court for the Northern District of California from June 9, 2005 at 9:00 a.m. to July 11, 2005 at 9:00 a.m. By Notice of the Clerk filed May 27, 2005, the time of the initial appearance was rescheduled from 9:00 a.m. to 9:30 a.m.
- 7. On July 8, 2005, United States Magistrate Judge Edward M. Chen entered an order, pursuant to the stipulation of the parties, and continued the defendant's initial appearance before the United States District Court for the Northern District of California from July 11, 2005 at 9:30 a.m. to July 26, 2005 at 9:30 a.m.

to the stipulation of the parties, and continued the defendant's initial appearance before the United States District Court for the Northern District of California from July 26, 2005 at 9:30 a.m. to August 15, 2005 at 9:30 a.m.

- 9. The defendant, Nagatoshi Morimoto, and his counsel, and the plaintiff, United States of America, and its counsel, have reached a negotiated plea disposition in this matter pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure ("FRCP"). Accordingly, a one count information was filed on August 1, 2005, alleging the importation of merchandise contrary to law, in violation of Title 18, United States Code, Section 545.
- 10. The matter (now No. CR 05-00496-SI) is assigned to the Honorable Susan Illston, presiding. Because the plea will be entered pursuant to FRCP Rule 11(c)(1)(C), the parties intend to request that the Court waive the preparation of a presentence report, pursuant to FRCP Rule 32(c)(1)(A)(ii). The entry of a guilty plea and sentencing before Judge Illston are presently calendared for August 26, 2005 at 11:00 a.m.
- 11. Defendant Morimoto and his counsel will be traveling together on August 25, 2005 from the Central District of California (the Los Angeles area) to the Northern District of California for the proceedings on August 26, 2005. It is respectfully requested that the conditions of his release be modified to permit Mr. Morimoto to travel by air within the State of California for the purpose of attending any necessary court appearances or meetings concerning this case.
- 12. By this stipulation, the parties respectfully request that the proceedings on the defendant's initial appearance in the Northern District of California be continued for a final time, to August 26, 2005 at 9:00 a.m., to allow the parties to appear at the initial appearance before this Court, followed by the entry of the guilty plea and sentencing before Judge Illston at 11:00 a.m., on the same day. Mr. Morimoto requires the assistance of a Japanese language interpreter. Because Judge Illston has calendared the plea proceedings for 11:00 a.m. on August 26, 2005, the parties respectfully request the Court's indulgence in calendaring the initial appearance for 9:00 a.m.
- 13. Based upon the foregoing, the potential savings to judicial resources and the ends of justice served by continuing the proceedings as requested outweigh the interest of the public in the

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| 1  | prompt disposition of criminal cases, as described in the Federal Rules of Criminal Procedure.      |  |  |
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| 2  | IT IS SO STIPULATED AND AGREED.   |  |  |
| 3  | KEVIN V. RYAN   |  |  |
| 4  | United States Attorney  |  |  |
| 5  | August 9, 2005 /S/ Stacey Geis  STACEY GEIS   |  |  |
| 6  | Assistant United States Attorney Attorneys for Plaintiff  |  |  |
| 7  | UNITED STATES OF AMERICA  |  |  |
| 8  | August 8, 2005 /S/ Mona C. Soo Hoo  |  |  |
| 9  | DATE MONA C. SOO HOO Attorney for Defendant   |  |  |
| 10 | NAGAŤOSHI MORIMOTO  |  |  |
| 11 | <u>ORDER</u>  |  |  |
| 12 | FOR GOOD CAUSE SHOWN, based upon the stipulation of the parties,                                    |  |  |
| 13 | IT IS HEREBY ORDERED that the initial appearance of Defendant Nagatoshi Morimoto in                 |  |  |
| 14 | Case No. 3-05-70216-JCS before the United States District Court for the Northern District of        |  |  |
| 15 | California, currently set for August 15, 2005 at 9:30 a.m., is hereby adjourned; and, instead, said |  |  |
| 16 | initial appearance shall be held on August 26, 2005 at 9:30 a.m., or on such other date and time as |  |  |
| 17 | agreed to by the parties and approved by the court.   |  |  |
| 18 | IT IS FURTHER ORDERED that the conditions of release of defendant Nagatoshi Morimoto                |  |  |
| 19 | are hereby modified to permit Mr. Morimoto to travel by air within the State of California for the  |  |  |
| 20 | purpose of attending any necessary court appearances or meetings concerning this case.              |  |  |
| 21 | DATED: August 11, 2005  |  |  |
| 22 | Brown of Timemenman   |  |  |
| 23 | UNITED STATES MAGISTRATE JUDGE  |  |  |
| 24 | UNITED STATES WAGISTRATE JUDGE  |  |  |
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